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REMARKS

Claims 1-12 were originally presented in the subject application, and claims 13-16 added during prosecution. No claims have herein been amended, added or canceled. Therefore, claims 1-16 remain in this case.

Applicants respectfully request reconsideration and withdrawal of the various grounds of rejection.

The final Office Action rejected claim 16 under 35 U.S.C. §112, as allegedly incomplete for omitting essential steps amounting to a gap between the steps, citing MPEP 2172.01. In particular, the final Office Action alleged that the following step was missing:

> ...accessing, by the apparatus with a limited Java Virtual Machine, a full Java Virtual Machine residing at a computing unit.

Applicants respectfully, but most strenuously, traverse this rejection.

Claim 16 recites:

> 16.   The method of claim 1, further comprising:
>
> providing said apparatus with a limited Java Virtual Machine being able to execute only a subset of Java instructions; and
>
> accessing, by said apparatus, a full Java Virtual Machine residing at a computing unit coupled to said apparatus, said accessing allowing said apparatus to execute additional Java instructions.

The only difference between the alleged missing step and the recitation of claim 16 quoted above is the addition of "...with a limited Java Virtual Machine..." in the alleged missing step. However, that aspect is already present by virtue of the fact that the accessing aspect recites "by *said* apparatus" (italics added), which has already been designated in the providing aspect as having a limited Java Virtual Machine. Thus, there appears to be no practical difference.

Moreover, the cited MPEP section makes clear that it is not essential to a patentable combination that there be interdependency between the elements of the claimed device or that all the elements operate concurrently toward the designed result. *Ex parte Nolden*, 149 USPQ 378, 380 (Bd. Pat. App. 1965). The cited section further makes clear that a claim does not necessarily fail to

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comply with 35 U.S.C. 112, second paragraph, where the various elements do not function simultaneously, are not directly functionally related, do not directly intercooperate, and/or serve independent purposes. *Ex parte Huber*, 148 USPQ 447, 448-49 (Bd. Pat. App. 1965).

Therefore, Applicants submit that claim 16 does not omit essential steps as alleged.

The final Office Action rejected claims 1, 2, 5-7, 9 and 11-15 under 35 U.S.C. §102(e), as allegedly anticipated by Wilkinson et al. (U.S. Patent No. 6,308,317). Applicants respectfully, but most strenuously, traverse this rejection.

With respect to the anticipation rejection, it is well settled that a claimed invention is not anticipated unless a single prior art reference discloses: (1) all the same elements of the claimed invention; (2) found in the same situation as the claimed invention; (3) united in the same way as the claimed invention; (4) in order to perform the identical function of the claimed invention. In this instance, Wilkinson et al. fails to disclose at least one element of each of the independent claims and as a result does not anticipate, or even render obvious, applicants' invention.

Claim 1 recites a method for providing a set of software components for component-oriented software development. The method comprises providing a set of software components out of which a software application to executed by an apparatus comprising processor means and memory means can be partly or entirely assembled. The method also comprises assigning a different numeric identifier to each component of the set of software components, and storing each assigned numeric identifier in the corresponding component.

As part of the rejection, the final Office Action cites to dictionary definitions. While Applicants expressly do not comment on whether the definitions are accurate, Applicants point out that a definition already exists for "component" in the present application at page 3, lines 18-20:

> Components are self-contained, reusable software units that can be visually composed into applets or applications using visual application builder tools.

It is well settled that Applicants may be their lexicographers, and the use of a definition does not constitute improperly reading limitations from the specification into the claims. One example given in the present application of such a component is a JavaBean. While the claim does not recite a JavaBean, that is one example, and it is interesting to note that Wilkinson et al. never once refers

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to a JavaBean. Applicants submit there is no evidence that anything in Wilkinson et al. conforms to the definition.

As another example, the cited section of Wilkinson et al. fails to disclose storing each assigned numeric identifier in the corresponding component. In contrast, the strings in the Java class file constant pool are replaced with the intergers/IDs. See Wilkinson et al. at column 9, lines 35-37. The intergers/IDs are not stored in the elements represented by the strings.

Therefore, Applicants submit that claim 1 cannot be anticipated by, or made obvious over, Wilkinson et al.

The comments made above with respect to claim 1 are also applicable to claim 11.

Applicants submit that the dependent claims not specifically addressed herein are allowable for the same reasons as the independent claims from which they directly or ultimately depend, as well as for their additional limitations.

For example, each of claims 14 and 15 recites: a set of software components capable of at least one of being, subsequent to being partly or entirely assembled into the software application, updated by updating at least one software component of the set of software components and supplemented by adding at least one software component to the set of software components.

Against claims 14 and 15, the final Office Action cites, in part, to column 10, lines 6-13 of Wilkinson et al. However, Applicants submit that the "modifying" referred to therein is actually a conversion of unsupported byte codes to functionally equivalent, but supported byte codes. See Wilkinson et al. at column 10, lines 34-40.

Since byte codes are compiled Java source code, and the modifying in Wilkinson et al. is a conversion of the byte codes into supported byte codes, Applicants submit that updating a software component (defined in the present application) is simply not the same. Moreover, there is without questions no disclosure of adding any software components as claimed.

Therefore, Applicants submit that claims 14 and 15 cannot be anticipated by, or made obvious over, Wilkinson et al.

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As another example, the final Office Action rejected claim 16 under 35 U.S.C. §103 as allegedly obvious over Wilkinson et al. in view of Merk et al. (U.S. Patent No. 6,754,886). Applicants respectfully, but most strenuously, traverse this rejection.

Applicants submit that Merk et al. cannot properly be cited against the present application under 35 U.S.C. §103(c). The named inventors in Merk et al. are also named inventors on the present application. At the time the present application was filed, both the present application and Merk et al. were owned by IBM or subject to an obligation of assignment to IBM.

Therefore, Merk et al. cannot properly be cited in an obviousness rejection of the present application, and the rejection must be withdrawn.

CONCLUSION

For all the above reasons, Applicants maintain that the claims of the subject application define patentable subject matter and earnestly request allowance of claims 1-16.

If a telephone conference would be of assistance in advancing prosecution of the subject application, Applicants' undersigned attorney invites the Examiner to telephone him at the number provided.

Respectfully submitted,

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